

REMARKS

By the paper mailed December 19, 2002, claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over either one of PCT WO 98/19569 or Williams '226 further taken with either one of Town or PCT WO 92/07480 and any one of Harreld et al. Baker et al. or Mathis et al. By this amendment independent claims 1, 5, and 7 have been amended and for reasons presently to be discussed, as amended are believed clearly non-obvious in view of the references of record.

New claims 11-14 have been added. For reasons presently to be discussed, these new claims are also believed clearly allowable over the references of record. Before discussing the references of record, a brief review of the thrust of the present invention will perhaps be helpful. As discussed on page 12 of the specification, when the sock of the invention is in use, the elastic cuff portion 24b of the outer sock 24 exerts inward forces against the lower leg-engaging portion of the one-piece, continuous bladder in a manner to sealably press a portion of the adhesive coated bladder against the skin of the user thereby forming a substantially watertight seal. As indicated in figure 5, even when the user's extremity is submersed in water, this seal will prevent water from passing between the upper bladder portion and the user's skin. Nowhere does the prior art disclose or remotely suggest an article of apparel having inner and outer fabric members and a

thin, continuous, adhesive-coated bladder that is provided with a leg-engaging portion that sealably presses against the skin of the user during use. While the Examiner is correct that several of the references of record teach cuffs of various construction, none of the references disclose the novel features of applicant's invention as claimed, namely an inner fabric member, outer fabric member and an adhesive-coated bladder, the leg-engaging portion of which includes a glaze-like surface that is sealably pressed directly against the skin of the user to uniquely form a watertight seal between the adhesive-coated, elastomeric bladder and the user's skin.

Considering the references of record, the Examiner is correct that either one of Williams '226 or PCT '569 taught that it was known at the time of the invention to form, in a laminating operation, a sock or glove which was waterproof and breathable. The Examiner is also correct in his statement that the references to Williams '226 and PCT '569 fail to teach that (1) the length of the inner sock was less than the length of the bladder which was less than the length of the outer sock; and (2) the outer sock included an elastic cuff therein. Additionally, the Williams references clearly fail to teach or suggest the formation of a continuous, adhesive-coated bladder having a first portion adapted to enclose one portion of the user's extremity such as the user's foot and a second portion adapted to sealably engage another portion of the user's extremity as, for example, the skin of the lower leg

portion of the user. It is this important feature of the bladder construction that provides the unique aspect of the present invention, namely, the substantial prevention of water flow into the article via the cuff portion of the article as was possible with the constructions disclosed in the earlier Williams' patents. This blockage of fluid flow is not due solely to the elastic fabric cuff, but rather is due to the provision of a bladder portion having a glaze-like inner surface that is sealably pressed against the skin of the user during use by the elastic fabric cuff. Thus, a problem exhibited by the earlier Williams' articles was recognized by the inventor and uniquely overcome by the articles defined in the present claims.

The Examiner apparently relies on Town or PCT WO 92/07480 as teaching that it was commonplace to use a plurality of layers in the formation of a glove whereby the inner layer was of a size that is less than the intermediate layer which was less than the exterior layer. This is correct. However, these references, like the Williams' references, totally fail to disclose or suggest the novel upper portion of the continuous, one-piece bladder that, when the article of apparel is in use, directly sealably engages the skin of the user to form a substantially watertight seal.

With regard to the prior art references to Harreld et al., Baker et al, or Mathis et al., the Examiner apparently relies upon these references as showing that it was known at the time of the invention to employ a cuff at the end of an article

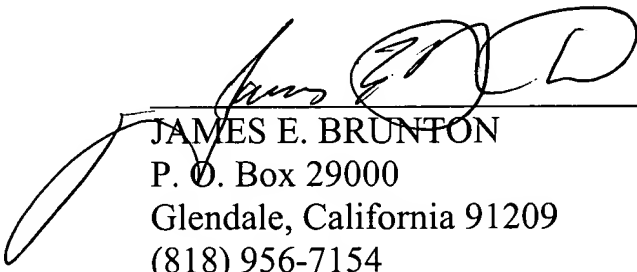
of apparel such as a sock or the cuff of a sleeve that such would have provided added protection against moisture. While the Examiner's observation of these references is correct, none of these references remotely disclose or suggest the use, in conjunction with inner and outer fabric members of a thin, continuous, adhesive-coated elastomeric bladder having a portion thereof that is sealably pressed against the skin of the user forming a substantially waterproof seal. The Examiner refers to figures 4 and 9 of Mathis et al., "where the elastic bands are used to prevent fluid migration into the sock or sleeve cuff." These "elastic bands" are apparently formed of an elastic film forming material which self-adheres to the stretchable layer. In column 7, starting at line 28, Mathis et al states, " Portions of the foot receiving article 54 between the cuff 56 and the closed end 60 defines a body 62 which may be formed from woven or non-woven fabrics. The elastic cuff 56 is formed from either the elastic laminate 20 or 26 described above and is secured to the body 62." However, Mathis et al. fails to disclose or remotely suggest a continuous adhesive-coated, waterproof, breathable elastomeric bladder of the character defined in the amended claims which includes a first portion for enclosing one portion of the user's extremity and a continuously formed second portion having an inner surface that is pressed against and sealably engages another portion of the user's extremity such as the lower leg of the user. This construction, unlike that of Mathis et al. provides a continuous, non-sewn

waterproof barrier. Mathis et al. in forming body 62 from woven or non-woven fabrics must require some type of seaming which interrupts the continuity of waterproofing provided by applicant's continuous, non-perforated, adhesive bladder. Accordingly, even if the Mathis et al. and Williams references were combined as suggested by the Examiner, the article as now defined in the claims would not result.

The claims as amended as well as the new claims that have been added now specifically define the provision of inner and outer fabric members and a continuous adhesive-coated bladder that includes a smooth, glazed extremity-engaging portion which urged into sealing engagement with the wearer's extremity by an elastic cuff which is bonded to and circumscribes the smooth, glazed extremity engaging portion of the elastomeric bladder. For the reasons previously discussed herein, the claims as amended are now believed clearly distinguishable from and non-obvious in view of the references of record.

The application as amended is now believed in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,



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